

From: Mike Ray, Solae (d.b.a. DuPont Soy Polymers)
Sent: Wednesday, October 06, 2004 4:47 PM
To: art williams
Subject: Informal Comments - Proposed STAR Program

Below are our informal comments concerning the proposed STAR Program. In addition, we agree with the comments submitted by Mr. Patrick Moran, Esq., Chair, GLI Air Toxics Taskforce.

SOLAE (d.b.a. DuPont Soy Polymers)

Informal Comments on Proposed STAR Program

Here are our informal comments and questions concerning the proposed STAR Program:

General

It seems the process of bring this proposal to vote is being rushed through without the consideration of the stakeholders. Very little time has been given for companies to analyze the program. We would like more time to fully review the proposed regulation and comment on the proposed standard. The initial standard was issued late and the informal comment period has been shortened without notifying the stakeholders. Does the Air Board have a process for bringing proposed regulations to the community for review and comment?

We would request that the APCD Post all comments on web as they are received for public review.

What is the regulatory need for the program?

What is the public health benefit from enacting this regulation?

What is the public health risk to the community?

There will be an additional cost to our company in order to comply with the standard. Because of the vagueness, we cannot determine our potential cost for compliance. The standard is confusing and will take time to understand the full impact to our site. It appears that our site we will have a significant amount of work to do to comply with the regulation and the deadlines. In addition, we will have to hire a consultant to complete the modeling if it is required.

The program will affect several hospitals. If the program is adopted, they will have an additional operating expense. They will then pass this additional cost on to the consumer in the form of higher healthcare cost. This program will contribute to the rising cost of health care.

The program will affect LG&E. If the program is adopted, they will have an additional operating expense. They will pass this additional cost on to industry and their customers. As a result, this program will increase the electricity cost to Louisville industry and residents.

If the program is adopted, private industry will have an additional operating expense. Those that can will pass this additional cost onto their customers. As a result, it will increase the cost to Louisville residents.

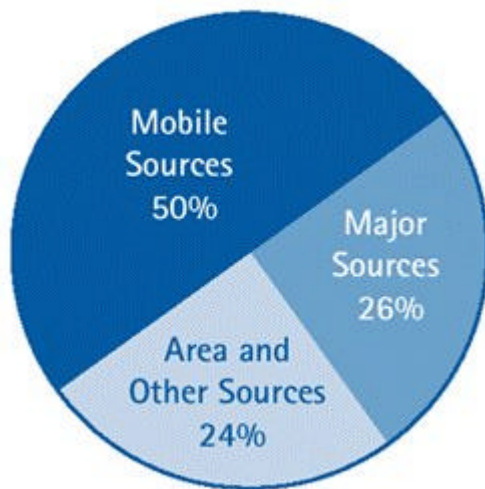
We are concerned that smaller companies that will be affected by the

program do not understand how it will affect them. I am also concerned that they have not been notified of the proposed regulation.

There does not appear to be a clear goal for the program. The goal established by the Mayor does not seem to be the same as those requirements from the regulation.

The program is vague. It appears the Air Board will be allowed to develop guidelines as it goes. Emission limits are not established, therefore we can not determine what might be required.

According to the EPA publication, "Taking Toxics Out of the Air", mobile sources contribute to 50% of toxic emissions while stationary sources account for only 26% of the emissions (see pie chart below).



Sources:

<http://www.epa.gov/oar/oaqps/takingtoxics/>

<http://www.epa.gov/oar/oaqps/takingtoxics/p1.html#3>

Why are we focusing on Major Sources and not on Mobile and Area and Other Sources?

What is the impact on our air from mobile sources within the county?

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Because of the vagueness of the standard concerning chemicals and their compounds, this expands the list of chemicals to thousands and increases the number of affected companies and work required for compliance.

What are the environmentally acceptable concentrations for the chemicals and other applicable pollutants? The regulations detail how they will develop these criteria, but there is no specific listing of the limits for each pollutant.

Will the limits, once established, be total industry limits or individual source limits?

What are the consequences if a company cannot attain the emissions standard?

Why do we need this program when there is a State program?

What is the connection between the proposed standard and existing State requirements?

Why is there a county Air Pollution Control District when there are State and Federal agencies regulating air emissions. This appears to be redundant and an additional taxpayer burden.

When will the full regulatory assessment be completed?

Why is there an exemption for emission and related data reporting requirements for the owner operators of a gasoline dispensing facility that involves the initial transfer of gasoline into the fuel tanks of new motor vehicles at an automobile or truck assembly plant? (Regulation 1.06 Section 3.2)

Release reporting needs to be clarified. It appears that the reportable quantity is no longer the limit for notification.

When will a cost benefit analysis been completed?

There is no economic impact included with the proposal. What is the economic impact to local business and the community?

It was mentioned during the meeting on September 17, 2004 that seven (7) new positions would be created over the next two years. This was not in the proposed standard. It appears that there is no justification for additional positions.

There appears to be no justification for increasing the fees (or tax) to be imposed on industry.

The city must compete in a global economy for new jobs. This regulation will affect the city's ability to compete with other countries for new jobs. It will be easier for a company like General Electric to move and expand production in Mexico instead of investing in Louisville. We feel that this will hinder our communities potential for economic growth and competitiveness in a global economy.

The permit fee structure is a little confusing. A clarification of the fees is needed.

What is the impact on our air from sources outside of the county? In southern Indiana there are numerous emission sources (Colgate, Jeff Boat and the Power Plant).

The community goal of reducing toxic limits to achieve a 1 in a million cancer risk is not attainable. Information from the EPA 1996 data it shows that the lifetime cancer risk for benzene is between 3 to 10 in a million in Kentucky and between 10 and 30 in a million in Jefferson county. Because of this, the county will not be able to attain its goal of 1 in a million due to sources outside of Jefferson County. This also applies to EPA information on formaldehyde. (source: <http://www.epa.gov/ttn/atw/nata/maprisk.html>)

The community goal of attaining a 1 in a million cancer risk is not in perspective with other lifetime risks. According to the National Safety Council you have the following odds (1 in X) in dying are listed in the table below:

Lifetime odds in dying due to:	
All external causes of mortality	1 in 23

Transportation accident	1 in 78
Car occupant	1 in 247
Fall	1 in 246
Choking	1 in 1,222
Lung cancer due to second hand tobacco smoke	1 in 1,231
Lightening	1 in 83,930
Bus occupant	1 in 99,809
Earthquake	1 in 131,890
Flood	1 in 105,512
Occupant of a streetcar	1 in 1,230,975

According to the EPA, second hand smoke contains more than 40 known carcinogens. In addition, it also estimates that Environmental Tobacco Smoke increases the number of asthma episodes and the severity of symptoms in 200,000 to 1 million children annually. It seems that the health risks from Environmental Tobacco Smoke are more of a risk to the citizens of our community than current county emissions.

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